

CHARLES L. THOEMING  
ATTORNEY & COUNSELOR AT LAW  
REGISTERED PATENT ATTORNEY

BIELEN, LAMPE & THOEMING, P.A.  
TWO CORPORATE CENTRE  
1390 WILLOW PASS ROAD  
SUITE 1020  
CONCORD, CA 94520

(925) 288.9720  
(925) 288.9731 FAX  
hadvbaxen@earthlink.net EMAIL

RECEIVED  
CENTRAL FAX CENTER

FEB 21 2006

ADMITTED TO PRACTICE  
IN CALIFORNIA AND TEXAS

## FACSIMILE COMMUNICATION COVERSHEET

DATE: February 21, 2006

CLIENT NO.: 11906

FACSIMILE NO.: (571)273.8300

TO: COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

FROM: Charles L. Thoeming

NO. OF PAGES: (including this coversheet) Thirty-three (33)

### COMMENTS:

Filed under cover of this coversheet for Application Serial No. 10/805,837 are: 1) Facsimile Coversheet; 2) Transmittal; and 3) Amendment and Response to First Office Action with Appendices A & B [31 pages] for a total of thirty-three (33) pages.

Respectfully submitted  
/Charles L. Thoeming/  
Charles L. Thoeming  
Registration No. 43,951

The information contained in this facsimile is confidential and may be subject to the attorney-client privilege and/or attorney work product protection. This facsimile communication is intended only for use by the individual named above. Any erroneous transmission of this facsimile communication to any unintended individual or entity is not intended to waive any applicable privilege or protection, the same hereby wholly reserved. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original to us by the United States Postal Service.

FEB 21 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2005. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/ 805,837	
	Filing Date	03/22/2004	
	First Named Inventor	EPHRIAN JORDAN	
	Art Unit	2875	
	Examiner Name	JOHN A. WARD	
Total Number of Pages in This Submission	33	Attorney Docket Number	11906

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) FACSIMILE COVERSHEET
Remarks _____		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	CHARLES L. THOEMING / Bielen, Lampe & Thoeming, P.A.		
Signature	/CHARLES L. THOEMING/		
Printed name	Charles L. Thoeming		
Date	21FEBRUARY 2006	Reg. No.	43,951

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	/CHARLES L. THOEMING/		
Typed or printed name	Charles L. Thoeming	Date	21 FEBRUARY 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 21 2006

Practitioner's Docket No. 11906

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ephrian Jordan

Application No.: 10/805,837      Group No.: 2875

Filed: 03/22/2004      Examiner: John A. Ward

Confirmation No.: 6903

For: Magnetic Device for Rotating Floating Candle

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION

This paper is being filed in response to the Official Action  
mailed 11/30/2005.

REVOCATION OF POWER OF ATTORNEY WITH  
NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

On February 2, 2006, Applicant filed revocation of all  
previous powers of attorney with a new power of attorney  
appointing the undersigned registered attorney to prosecute this  
matter. At the same time and within the same instrument, the  
correspondence address for this application was also changed to  
the undersigned attorney's customer number. Attached to this  
response as Appendix A and incorporated by reference as if fully  
set forth herein is a complete copy of Applicant's February 2,  
2006 filing to change registered attorney and correspondence  
address, including the USPTO auto reply confirmation of receipt.

On February 13, 2006, Applicant filed a second revocation of all previous powers of attorney with a new power of attorney appointing the undersigned registered attorney to prosecute this matter. At the same time and within the same instrument, the correspondence address for this application was also changed to the undersigned attorney's customer number. Attached to this response as Appendix B and incorporated by reference as if fully set forth herein is a complete copy of Applicant's February 13, 2006 filing to change registered attorney and correspondence address, including the USPTO auto reply confirmation of receipt.

AMENDMENT

Please amend claims 1 - 9 as set forth in this response beginning at page 3.

REMARKS

Applicant's remarks begin on page 7 of this paper.

\\

\\

\\

\\

\\

\\

\\

\\